

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WARREN T. ROACH,

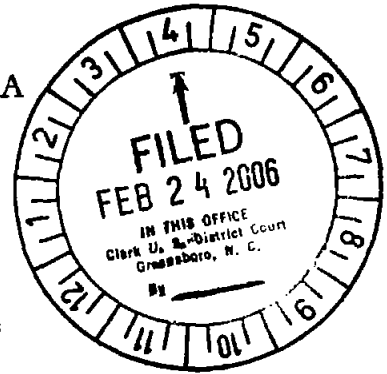
Plaintiff,

v.

ROCKINGHAM COUNTY SCHOOLS;
ROCKINGHAM COUNTY MIDDLE
SCHOOL; ROCKINGHAM COUNTY
HIGH SCHOOL; ROCKINGHAM
COUNTY SCHOOLS, TRANSPORTATION
DEPARTMENT; BROCK, PIERCE,
MCLENDON, HUMPHREY &
LEONARD LLP,

Defendants.

1:05CV569



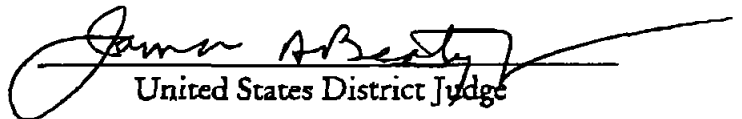
ORDER

This matter is before the Court on Defendants' Motion to Dismiss [Document #4] with respect to Plaintiff's original Complaint, as well as Plaintiff's Motion to Amend his Complaint [Document #9]. The Court notes that no Answer has been filed in this matter, and as such Plaintiff is entitled to amend his Complaint as of right pursuant to Federal Rule of Civil Procedure 15(a). Therefore, Plaintiff's Motion to Amend [Document #9] is allowed. As a result, Defendants' Motion to Dismiss [Document #4] as to the original Complaint is moot. In addition, the Court notes that Plaintiff, who is *pro se*, filed subsequent "motions" which were in fact responses to Defendants' Motion to Dismiss. Therefore, those Motions, designated as a "Motion to Quash Dismissal" [Document #10], a "Motion to Quash Partial Judgment" [Document #11], and a "Motion to Quash Notice of Discovered Authority" [Document #14],

are also moot.

For the reasons discussed above, Plaintiff's Motion to Amend [Document #9] is GRANTED. As a result, Defendants' Motion to Dismiss [Document #4] as to the original Complaint is DENIED AS MOOT without prejudice to Defendants reasserting their contentions in a subsequent motion to dismiss in response to Plaintiff's Amended Complaint. Plaintiff's "Motions" [Documents #10, 11, 14] responding to Defendants' Motion to Dismiss are also DENIED AS MOOT. Having allowed Plaintiff's Motion to Amend his Complaint, Plaintiff is directed to file with the Court an Amended Complaint within ten days of the date of this Order. The Amended Complaint should be served on all of the Defendants and should include all of Plaintiff's claims against all of the parties he intends to pursue. Within thirty days after the filing of the Amended Complaint, Defendants must file an Answer or Motion to Dismiss as to the Amended Complaint.

This, the 24th day of February, 2006.


United States District Judge